

Washington, DC 20005  
(202) 566-3100

024322

Juliet E. Hodgkins/EAC/GOV  
03/21/2007 05:02 PM

To "Davidson, Donetta" <ddavidson@eac.gov>, Gracia  
Hillman/EAC/GOV@EAC, Caroline C.  
Hunter/EAC/GOV@EAC, Rosemary E.  
cc jlayson@eac.gov, Thomas R. Wilkey/EAC/GOV@EAC,  
Karen Lynn-Dyson/EAC/GOV@EAC  
bcc

Subject One more time

I think that Karen and I have captured all of the changes that needed to be made including answering the question posed by Commissioner Hillman regarding footnote #2.

Please take one final look.



Voter ID edited 32107- with changed footnote.doc

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

024323

## EAC Study of Voter Identification Requirements

### Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Drawing on its nationwide review and legal analysis of state statutes and regulations for voter identification, the contractor compared states with similar voter identification requirements and drew conclusions based on comparing turnout rates among states for one election – November 2004. For example, the turnout rate in 2004 in states that required the voter to provide a photo identification document<sup>1</sup> was compared to the turnout rate in 2004 in states with a requirement that voters give his or her name in order to receive a ballot. Contractor used two sets of data to estimate turnout rates: 1) voting age population estimates<sup>2</sup> and 2) individual-level survey data from the November 2004 Current Population Survey conducted by the U.S. Census Bureau.<sup>3</sup>

The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, [www.eac.gov](http://www.eac.gov).

### EAC Declines to Adopt Draft Report

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<sup>1</sup> In 2004, three of the states that authorized election officials to request photo identification allowed voters to provide a non-photo ID and still vote a regular ballot and two others permitted voters who lacked photo ID to vote a regular ballot by swearing and affidavit.

<sup>2</sup> The July 2004 estimates for voting age population were provided by the U.S. Census Bureau. These data did not differentiate between citizens and non-citizens; because these numbers include non-citizens, the Contractor applied the percentage of citizens included in voting age population statistics in 2000 to the U.S. Census Bureau estimated voting age population in 2004. Thus, 2004 estimates of voting age population include persons who are not registered to vote.

<sup>3</sup> The Current Population Survey is based on reports from self-described registered voters who also describe themselves as U.S. citizens.

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be a first step in the Commission's efforts to study the possible impact of voter identification requirements.

However, EAC has concerns regarding the data, analysis, and statistical methodology the Contractor used to analyze voter identification requirements to determine if these laws have an impact on turnout rates. The Contractor used a single election's statistics to conduct this analysis. The two sets of data came from the Census Bureau and included persons who were not eligible to and did not vote. The first analysis using averaged county-level turnout data from the U.S. Census showed no statistically significant correlations. So, a second analysis using a data set based upon the Current Population Survey (which was self-reported and showed a significantly higher turnout rate than other conventional data) was conducted that produced only some evidence of correlation between voter identification requirements and turnout. Furthermore, the initial categorization of voter identification requirements included classifications that actually require no identification at all, such as "state your name." The research methodology and the statistical analysis used by the Contractor were questioned by independent working and peer review groups comprised of social scientists and statisticians. The Contractor and the EAC agree that the report raises more questions than provides answers.<sup>4</sup> Thus, EAC will not adopt the Contractor's study and will not issue an EAC report based upon this study. All of the material provided by the Contractor is attached.

#### **Further EAC Study on Voter Identification Requirements**

EAC will engage in a longer-term, more systematic review of voter identification requirements. Additional study on the topic will include more than one Federal election cycle, additional environmental and political factors that effect voter participation, and the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identity.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.

---

<sup>4</sup> See Transcript of EAC Public Meeting, February 8, 2007, page 109.

- In 2007, convene a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include methodology, specific issues to be covered in the study and timelines for completing an EAC study on voter identification.
- Study how voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender. Study the effects of voter identification provisions, or the lack thereof, on early, absentee and vote-by-mail voting.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.

DRAFT



"John Weingart"  
<john.weingart@rutgers.edu>  
03/20/2007 05:32 PM

To klynndyson@eac.gov  
cc jhodgkins@eac.gov, tom\_oneill@verizon.net,  
twilkey@eac.gov, "Tim Vercellotti"  
<tim.vercellotti@rutgers.edu>

bcc

Subject Re: Review of Voter ID Statement

Karen - To further my earlier email, I want to make clear that only respondents who identified themselves as U.S. citizens were asked whether they were registered to vote for the November 2004 election. And only those who said they were registered to vote were asked whether they voted in the election.

John

klynndyson@eac.gov wrote:

>  
> Quick question related to The Voting Age Population estimates used to  
> estimate/calculate turnout rates (see footnote 2 in the statement)-  
>  
> When taking into account noncitizens in the calculation were the  
> noncitizens considered as part of the VAP or as the population as a  
> whole?  
>  
>  
> Thanks for clarifying this for me.  
>  
> Regards-  
>  
>  
> Karen Lynn-Dyson  
> Research Director  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123

--  
-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732)932-9384, x.290

024327

Juliet E. Hodgkins/EAC/GOV  
03/16/2007 01:42 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject What is the status of Eagleton's review

Commissioner Hunter wanted to know if Eagleton has approved the text in the 2nd paragraph of the ID statement. Please advise.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

024326



"Rosemary Rodriguez"

03/09/2007 02:04 PM

To klynndyson@eac.gov

cc chunter@eac.gov, "Davidson, Donetta"  
<ddavidson@eac.gov>, ghillman@eac.gov,  
jhodgkins@eac.gov, jlayson@eac.gov

bcc

Subject Re: Final EAC statement on Voter ID report

I will be in the office Tuesday afternoon. Thanks.

----- Original Message -----

From: "klynndyson@eac.gov" <klynndyson@eac.gov>

To: [REDACTED]

Cc: chunter@eac.gov; "Davidson, Donetta" <ddavidson@eac.gov>; ghillman@eac.gov;  
jhodgkins@eac.gov; jlayson@eac.gov

Sent: Friday, March 9, 2007 10:49:00 AM

Subject: Re: Final EAC statement on Voter ID report

Commissioners-

As requested, Jeannie Layson will take the attached statement and prepare a final version for  
Commissioner's review and tally vote on Monday.

Regards-

Karen Lynn-Dyson  
Research Director  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

"Rosemary Rodriguez"  
<rosemaryrod2003@yahoo.com>

03/08/2007 05:15 PM

To jhodgkins@eac.gov, klynndyson@eac.gov  
cc jlayson@eac.gov, ghillman@eac.gov, "Davidson, Donetta"  
<ddavidson@eac.gov>, chunter@eac.gov  
Subject Re: Final EAC statement on Voter ID report

024329



are we now in the 48 hour tally vote period?

----- Original Message -----

From: "jhodgkins@eac.gov" <jhodgkins@eac.gov>

To: klynndyson@eac.gov

Cc: jlayson@eac.gov; ghillman@eac.gov; "Davidson, Donetta" <ddavidson@eac.gov>;  
chunter@eac.gov; rosemaryrod2003@yahoo.com

Sent: Thursday, March 8, 2007 4:35:27 PM

Subject: Re: Final EAC statement on Voter ID report

Karen,

I started by adopting all of the changes made to the document that you sent me. Then I made edits. Because they are so extensive, I thought it best to note them in track changes. Once you have had a chance to read them over, you can get rid of the formatting problems by "accepting all changes" to the document.

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

Karen Lynn-Dyson/EAC/GOV

03/08/2007 12:47 PM

To: Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC

cc

Subject: Final EAC statement on Voter ID report

024330

Julie/Jeannie-

Attached please find the final version of the EAC statement on the Voter ID report.

As indicated, the Commissioners have asked that you all review this statement for legal accuracy, grammar, syntax, etc, before it is sent to them for final review and approval.

If you could, go ahead and make the edits without track changes (as track changes seem to create printing problems)

Once you all have edited the statement I will send the final version on to them for the tally vote.

Thanks

Karen Lynn-Dyson  
Research Director  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

Don't get soaked. Take a quick peek at the forecast  
with the Yahoo! Search weather shortcut.

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Food fight? Enjoy some healthy debate  
in the Yahoo! Answers Food & Drink Q&A.

024331



Gracia Hillman/EAC/GOV

03/08/2007 05:47 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc

bcc

Subject Re: Final EAC statement on Voter ID report

Oh, I noticed.

-----  
Sent from my BlackBerry Wireless Handheld

024332

Juliet E. Hodgkins/EAC/GOV  
03/08/2007 04:35 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc jlayson@eac.gov, Gracia Hillman/EAC/GOV@EAC,  
"Davidson, Donetta" <ddavidson@eac.gov>, Caroline C.  
Hunter/EAC/GOV@EAC, rosemaryrod2003@yahoo.com  
bcc

Subject Re: Final EAC statement on Voter ID report

History:

This message has been replied to and forwarded.

Karen,

I started by adopting all of the changes made to the document that you sent me. Then I made edits. Because they are so extensive, I thought it best to note them in track changes. Once you have had a chance to read them over, you can get rid of the formatting problems by "accepting all changes" to the document.



Voter ID statement jth edits.doc

Juliet Thompson Hodgkins  
General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

03/08/2007 12:47 PM

To Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie  
Layson/EAC/GOV@EAC  
cc

Subject Final EAC statement on Voter ID report

Julie/Jeannie-

Attached please find the final version of the EAC statement on the Voter ID report.

As indicated, the Commissioners have asked that you all review this statement for legal accuracy, grammar, syntax, etc, before it is sent to them for final review and approval.

If you could, go ahead and make the edits without track changes (as track changes seem to create printing problems)

Once you all have edited the statement I will send the final version on to them for the tally vote.

Thanks



Final EAC Voter ID Statement.doc

024333

Karen Lynn-Dyson  
Research Director  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

## EAC Statement on Future Study of Voter Identification Requirements

### Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005, EAC contracted with Rutgers, the State University of New Jersey through its Eagleton Institute of Politics ("Contractor") to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the Contractor was asked to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and to recommend various policies that could be applied to these approaches.

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The Contractor performed a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Using two sets of data-- aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S. Census Bureau-- the Contractor arrived at a series of findings, conclusions and subsequent recommendations for further research into the topic.

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The Contractor presented testimony summarizing its findings from this statistical and data analysis at the February 8, 2007 public meeting of the U.S. Election Assistance Commission. The Contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website, [www.eac.gov](http://www.eac.gov).

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### EAC Recommendations for further study and next steps

EAC finds the Contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be an important first step in the Commission's consideration of voter identification requirements.

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However, EAC has concerns regarding the research and statistical methodology the Contractor chose to employ in order to analyze voter identification requirements.

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Therefore, EAC is not adopting the Contractor's full report that was submitted and is not releasing this report

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EAC will engage in a longer-term, more systematic review of voter identification requirements and the potential variation in turnout rates based on the types of voter identification requirements. EAC's additional study on the topic will include more than

one Federal election cycle, examine additional environmental and political factors that effect voter participation, and consider the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities:

- Conduct an ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors. EAC will use some of the information collected by Eagleton as well as additional data from the states to develop this baseline.
- Convene, by mid-2007, a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include specific issues to be covered in the study, research and statistical methodologies to be employed and timelines for completing an EAC study on voter identification.
- Study how certain voter identification provisions that have been in place for two or more Federal elections have impacted voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and other factors such as race and gender.
- Publish a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating poll workers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform poll workers and voters.
- Track state policies and procedures for early voting, absentee voting, and vote-by-mail. The data collected through this tracking will then be compared to various state voter identification policies and procedures.

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## EAC Statement on Future Study of Voter Identification Requirements

### Background

The Help America Vote Act of 2002 (HAVA) authorizes the United States Election Assistance Commission (EAC) to conduct periodic studies of election administration issues. In May 2005 EAC entered into a contract with Rutgers, The State University of New Jersey through its Eagleton Institute of Politics to perform a review and legal analysis of state legislation, administrative procedures and court cases, and to perform a literature review on other research and data available on the topic of voter identification requirements. Further, the contractor was to analyze the problems and challenges of voter identification, to hypothesize alternative approaches and recommend various policies that could be applied to these approaches.

The contractor ~~performed~~ a statistical analysis of the relationship of various requirements for voter identification to voter turnout in the 2004 election. Using two sets of data—aggregate turnout data at the county level for each state, and reports of individual voters collected in the November 2004 Current Population Survey conducted by the U.S. Census Bureau—the contractor arrived at a series of findings, conclusions and subsequent recommendations for further research into the topic.

**Comment [GH1]:** th respect to the last sentence in paragraph one above, it is my opinion that it would have been reasonable for Eagleton to have considered the statistical analysis they conducted as being covered by that task. Therefore, I recommend striking the word "also" from this sentence.

The contractor presented testimony summarizing its findings from this statistical and data analysis at a February 8, 2007 public meeting of the U.S. Election Assistance Commission. The contractor's testimony, its summary of voter identification requirements by State, its summary of court decisions and literature on voter identification and related issues, an annotated bibliography on voter identification issues and its summary of state statutes and regulations affecting voter identification are attached to this report and can also be found on EAC's website: [www.EAC.gov](http://www.EAC.gov).

### EAC Recommendations for further study and next steps

EAC finds the contractor's summary of States' voter identification requirements and its summary of state laws, statutes, regulations and litigation surrounding the implementation of voter identification requirements, to be an important first step in the Commission's consideration of voter identification requirements.

However, EAC has concerns regarding the research and statistical methodology the contractor chose to employ in order to analyze voter identification requirements.

Therefore, EAC is not adopting the contractor's full report that was submitted and is not releasing this report. EAC will engage in a longer-term, more systematic review of voter identification requirements and the potential variation in turnout rates based on the types of voter identification requirements. EAC's additional study on the topic will include more than one Federal election cycle, examine additional environmental and political

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factors that effect voter participation, and consider the numerous changes in state laws and regulations related to voter identification requirements that have occurred since 2004.

EAC will undertake the following activities.

- An ongoing state-by-state review, reporting and tracking of voter identification requirements. This will include tracking states' requirements which require a voter to state this or her name, to sign his or her name, to match his or her signature to a signature on file, to provide photo or non-photo identification or to swear an affidavit affirming his or her identify.
- Using some of the information collected by Eagleton and assembling data from states, EAC will establish a baseline of information that will include factors that may affect or influence Citizen Voting Age Population (CVAP) voter participation, including various voter identification requirements, the competitiveness of a race and certain environmental or political factors.
- Convening, by mid-2007, a working group of advocates, academics, research methodologists and election officials to discuss EAC's next study of voter identification. Topics to be discussed include specific issues to be covered in the study, research and statistical methodologies to be employed and timelines for completing an EAC study on voter identification.
- A study of how certain voter identification provisions that have been in place for two or more Federal elections have had an impact on voter turnout, voter registration figures, and fraud. Included in this study will be an examination of the relationship between voter turnout and race and gender.
- Publication of a series of best practice case studies which detail a particular state's or jurisdiction's experiences with educating pollworkers and voters about various voter identification requirements. Included in the case studies will be detail on the policies and practices used to educate and inform pollworkers and voters.
- A state-by-state tracking of early voting, absentee voting, and vote-by-mail policies and procedures. The data collected through this tracking will then be compared to various state voter identification policies and procedures.

Comment [GH2]: I cannot craft the word

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DRAFT




Gracia Hillman/EAC/GOV  
03/07/2007 01:12 PM

To Karen Lynn-Dyson/EAC/GOV@EAC

cc Caroline C. Hunter/EAC/GOV@EAC, "Rosemary Rodriguez"

bcc [REDACTED]

Subject Re: Revised EAC Statement 

Sorry but I have a 2:00 p.m. conference call. How about 3:00 or later??

024339



"John Weingart"  
<john.weingart@rutgers.edu>  
01/30/2007 04:55 PM

To "Karen Lynn-Dyson" <klynndyson@eac.gov>  
cc  
bcc  
Subject February 8th EAC meeting

History:

⌂ This message has been replied to.

Karen - I understand you will be a panelist on the Eagleton/Moritz Voter ID study along with Tom O'Neill and Tim Vercellotti at next Thursday's EAC meeting. Could you let us know what you will be covering so we prepare comments that will not be redundant.

Thanks. I hope your new year is off to a good start.

John

--  
-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732)932-9384, x.290

024340

Thomas R. Wilkey/EAC/GOV  
01/22/2007 05:15 PM

To Gavin S. Gilmour/EAC/GOV@EAC, Bryan  
Whitener/EAC/GOV@EAC  
cc Jeannie Layson/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV@EAC, Karen  
Lynn-Dyson/EAC/GOV@EAC  
bcc

Subject Re: Response Requested - EAC voter ID report

Eagleton is submitting it's report as written. There will be a SHORT Executive Summary prepared by staff which will incorporate. Recommendations for. Future study which the Commissioners will be asked to adopt.

The report itself will be presented but not formally adopted but merley released and recommendations adopted.

-----  
Sent from my BlackBerry Wireless Handheld  
Gavin S. Gilmour  
----- Original Message -----

**From:** Gavin S. Gilmour  
**Sent:** 01/22/2007 05:16 PM  
**To:** Bryan Whitener  
**Cc:** Jeannie Layson; Juliet Hodgkins; Karen Lynn-Dyson; Thomas Wilkey  
**Subject:** Re: Response Requested - EAC voter ID report

Is Eagleton submitting a report to the EAC or is Eagleton assisting us the development of an EAC report...? I suspect it is the latter. Any statement should reflect this... as should the "briefing."

GG

Gavin S. Gilmour  
Deputy General Counsel  
United States Election Assistance Commission  
1225 New York Ave., NW, Ste 1100  
Washington, DC 20005  
(202) 566-3100

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY. IT IS A PRIVILEGED DOCUMENT AND SHALL NOT BE RELEASED TO A THIRD PARTY WITHOUT THE CONSENT OF THE SENDER.

Bryan Whitener/EAC/GOV

Bryan Whitener/EAC/GOV  
01/22/2007 04:55 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc Thomas R. Wilkey/EAC/GOV@EAC, Jeannie  
Layson/EAC/GOV@EAC, Juliet E.  
Hodgkins/EAC/GOV@EAC, Gavin S.  
Gilmour/EAC/GOV@EAC  
Subject Response Requested - EAC voter ID report

Karen,

We need to publish an FR notice early tomorrow regarding the next public meeting. In light of the recent

024341

matter regarding voter fraud, I want to be sure to accurately describe what's happening with the voter ID report item contained in the draft agenda. Please add some perspective about what will and will not be discussed and what, if any, action might be expected. The draft agenda says the following: "Presentation of Eagleton ID Report - "Best Practices to Improve Voter Identification Requirements," John Weingarten, Rutgers University (Time allotted 7-10 minutes; Q & A 5 min.)". What stage are we with this ? (preliminary, final, NOTA, etc.) Just trying to stay ahead of the curve,

Thanks,  
Bryan

[attachment "Public Meeting, 2-08-07, Wash., Draft Agenda.doc" deleted by Thomas R. Wilkey/EAC/GOV]



"Mike Alvarez"  
<rma@hss.caltech.edu>  
10/02/2006 10:44 PM

To klynndyson@eac.gov  
cc  
bcc

Subject

History:

 This message has been replied to.

Hi -- hope all is well.

I've got a quick question for you. Vercellotti and Anderson have put out for public distribution what looks to be their work from their EAC report on voter identification (<http://moritzlaw.osu.edu/blogs/tokaji/voter%20id%20and%20turnout%20study.pdf>).

Given that this piece of their research project is available, is the rest of their work available for public distribution yet (as you know the VTP is having a conference at the end of this week on voter identification and registration, it would be nice to have access to the EAC research at the conference, even at this late date).

--

\*\*\*\*\*  
R. Michael Alvarez (O)  
626-395-4089  
Professor of Political Science (F)  
626-405-9841  
Caltech/MIT Voting Technology Project  
California Institute of Technology  
Pasadena, CA 91125  
rma@hss.caltech.edu

Contributor to Election Updates,  
<http://electionupdates.caltech.edu/blog.html>

\*\*\*\*\*

024343

Thomas R. Wilkey/EAC/GOV  
06/15/2006 05:24 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Eagleton letter in response to the Chairman

We can wrap this up in the morning. In my discussions with the Chairman his view is that botrts h reports be labeled as final draft reports rather than final reports but I will double check with him. Also any letter needs to relect the term briefing rather than meeting.

-----  
Sent from my BlackBerry Wireless Handheld  
Karen Lynn-Dyson

**From:** Karen Lynn-Dyson  
**Sent:** 06/15/2006 01:22 PM  
**To:** Thomas Wilkey  
**Subject:** Re: Eagleton letter in response to the Chairman

Not a problem.

We ( or Paul) just needs to tell them something by tomorrow.

K

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024344





Amie J. Sherrill/EAC/GOV

06/12/2006 08:59 AM

To Raymundo Martinez/EAC/GOV, Gracia Hillman/EAC/GOV,  
ddavidson@eac.gov, twilkey@eac.gov,  
jthompson@eac.gov@EAC, Karen Lynn-Dyson/EAC/GOV,

cc

bcc

Subject Letter from Eagleton

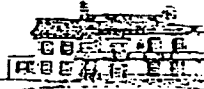
Please find attached a letter from the Eagleton Institute of Politics. Thank you.

Amie J. Sherrill  
Special Assistant to Chairman Paul S. DeGregorio  
U.S. Election Assistance Commission  
1225 New York NW - Suite 1100  
Washington, DC 20005  
(202) 566 3106



Letter from Eagleton.pdf

024345



# EAGLETON INSTITUTE OF POLITICS

## FAX COVER SHEET

Date: 6/8/06

To: Paul S. De Gregorio

Fax Number: 202-566-3127

Phone Number: \_\_\_\_\_

Total Number of Pages (including cover sheet): 3

Comments:

From: John Weingart X 290

191 RYDERS LANE, NEW BRUNSWICK, NJ 08901-8557

Tel: 732/932-9384  
Fax: 732/932-6778

THE STATE UNIVERSITY OF NEW JERSEY  
**RUTGERS**

E-mail: eagleton@rci.rutgers.edu  
Web: www.eagleton.rutgers.edu

024346



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## EAGLETON INSTITUTE OF POLITICS

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Paul S. DeGregorio  
United States Election Assistance Commission  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005  
Fax: (202) 566-3127

June 8, 2006

Dear Chairman DeGregorio:

Karen Lynn-Dyson relayed the Commission's decision in your meeting of June 1 to take more time to consider how to proceed with the delivery of EAC research reports on provisional voting and voter identification.

The Eagleton-Moritz research team, of course, encourages the Commission's thoughtful consideration of the two reports, but we are mindful of the need to deliver revised documents that respond to the Commission's comments by the close of our contract on June 30<sup>th</sup>. We believe that if we receive the Commission's final comments on the Provisional Voting report by June 19 we will be able to complete any additional work that the Commission might request and incorporate the results in our final reports before the end of the contract period.

Based on suggestions raised at the meetings, we already plan to supplement the Provisional Voting report with some brief, additional information about the influence of the fail-safe ballot provisions of the National Voting Rights Act on the experience with provisional voting in 2004.

We understand that the Commission must submit the final draft Voter ID report to the same review process by your advisory boards as was followed with the Provisional Voting paper. We understand that step is a prerequisite for wider release. We would appreciate your advice on how to handle this review, given the rapidly approaching end of our contract.

We hope the commission will use both reports, as intended from the outset of this project, as the basis for recommendations for better, if not best, practices to the states. If the Commission cannot decide to issue such recommendations to the states, we hope it will promptly release the reports to provide the states and the broader elections community with this information, analysis and perspective on the issues.

We recognize, based on the reactions at the meetings of the Standards Board and, particularly, the Board of Advisors, that some of the findings, conclusions, and recommendations of the reports will be controversial with some of the Commission's constituencies. But we also believe, based on the comments of the Peer Review Group, the advisors assembled by the Commission, and our response to their critiques, that the reports are grounded on solid research by a well-qualified, nonpartisan team and that the reports will provide new information for the policy process. We believe this information will contribute to achieving the EAC mission of providing helpful information that the states may or may not choose to implement.

---

191 RYDERS LANE, NEW BRUNSWICK, NJ 08901-8557

---

Tel: (732) 932-9384  
Fax: (732) 932-6778

THE STATE UNIVERSITY OF NEW JERSEY  
**RUTGERS**

E-mail: [eagleton@rci.rutgers.edu](mailto:eagleton@rci.rutgers.edu)  
Web: [www.eagleton.rutgers.edu](http://www.eagleton.rutgers.edu)

024347

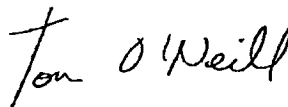
June 8, 2006 letter to Chairman DeGregorio from Thomas O'Neill

page 2

The information in the reports can improve the policy process by raising the level of debate over increasingly volatile issues related to election administration. We believe our reports will prove useful to the states as they complete preparations for the 2006 elections. Moreover, the elections community is aware of this work, and awaits the analysis and conclusions.

We look forward to working with you to conclude this research in a way that will serve the public interest.

Very truly yours,

A handwritten signature in cursive script that reads "Tom O'Neill". The signature is written in dark ink and is positioned above the printed name.

Thomas M. O'Neill  
Project Director

024348



"John Weingart"  
<john.weingart@rutgers.edu>

06/08/2006 10:31 AM

Please respond to  
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>

cc "Tom O'Neill" [REDACTED]

bcc

Subject Letter to Commissioner DeGregorio

History:

✉ This message has been replied to and forwarded.

Karen - I am attaching a copy of a letter we are just faxing and mailing to Commissioner DeGregorio. Thanks, John

--

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290



DeGregorioFinal.060806.doc

024349



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## EAGLETON INSTITUTE OF POLITICS

---

Paul S. DeGregorio  
United States Election Assistance Commission  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005  
Fax: (202) 566-3127

June 8, 2006

Dear Chairman DeGregorio:

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The information in the reports can improve the policy process by raising the level of debate over increasingly volatile issues related to election administration. We believe our reports will prove useful to the states as they complete preparations for the 2006 elections. Moreover, the elections community is aware of this work, and awaits the analysis and conclusions.

We look forward to working with you to conclude this research in a way that will serve the public interest.

Very truly yours,

Thomas M. O'Neill  
Project Director



"Tom O'Neill"

05/22/2006 04:13 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Presentations at the EAC Governing Boards

History:

✉ This message has been replied to.

Karen, Will the presentations be already loaded onto a computer/projector there? I hope so.

Tom O'Neill

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Monday, May 22, 2006 3:44 PM

**To:**

**Subject:** RE: Presentations at the EAC Governing Boards

Thanks, Tom.

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024352





"Tom O'Neill"

05/22/2006 03:39 PM

To klynndyson@eac.gov

cc asherrill@eac.gov, jthompsonhodgkins@eac.gov

bcc

Subject RE: Presentations at the EAC Governing Boards

History:

✉ This message has been replied to and forwarded.

Karen,

The PowerPoint presentations for the Standards Board and the Advisory Board are attached.  
See you tomorrow.

Tom O'Neill

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Monday, May 22, 2006 3:18 PM

**To:** [REDACTED]

**Cc:** asherrill@eac.gov; jthompsonhodgkins@eac.gov

**Subject:** RE: Presentations at the EAC Governing Boards

Hi Tom-

Just checking to see if your Power Point slides might be ready.

When they are, please send them on to me and hit Reply to All as Julie Hodgkins and Amie Sherrill (the Chairman's Special Assistant) would like copies before the presentation.

Thanks

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005

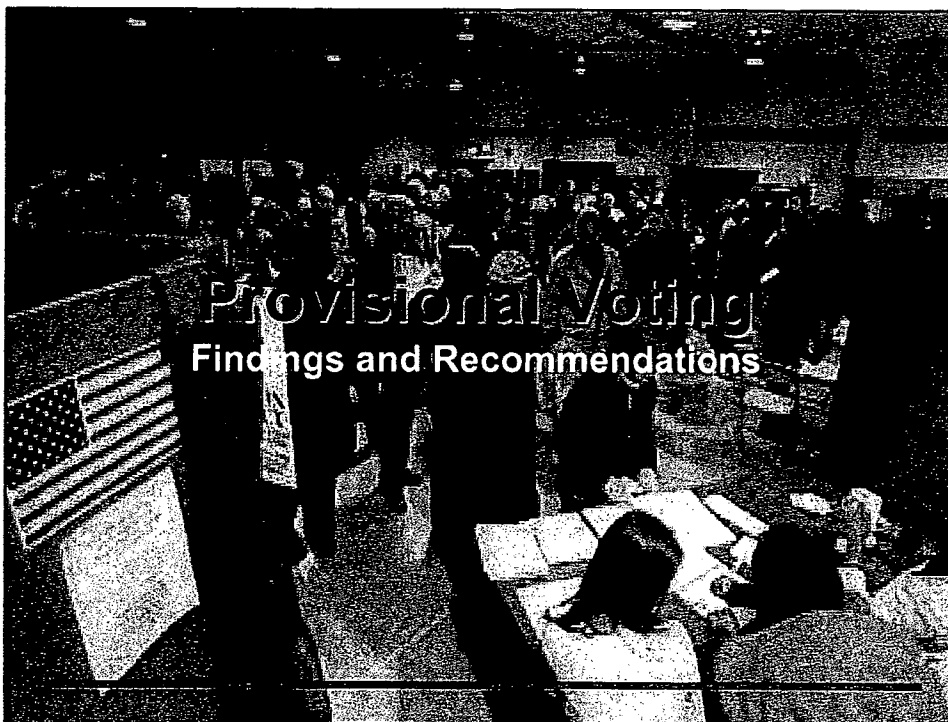


tel:202-566-3123 BriefingPVADVBD524.ppt BriefingPVSTD8D523.ppt

024353

**Briefing for**

**May 24 , 2006**





## **EAGLETON INSTITUTE OF POLITICS**

Rutgers, The State University of New Jersey

**MORITZ COLLEGE OF LAW THE OHIO STATE UNIVERSITY**

**Dr. Ruth B. Mandel, Director, Eagleton Institute of Politics**  
Board of Governors Professor of Politics  
Principal Investigator and Chair of the Project Management Team

**Edward B. Foley, Robert M. Duncan/Jones Day Designated Professor of Law**  
The Moritz College of Law  
Director of Election Law @ Moritz

**Ingrid Reed, Director of the New Jersey Project**  
The Eagleton Institute of Politics

**Daniel P. Tokaji, Assistant Professor of Law**  
The Moritz College of Law

**John Weingart, Associate Director**  
The Eagleton Institute of Politics

**Thomas M. O'Neill, Consultant**  
The Eagleton Institute of Politics  
Project Director

024355

### QUESTIONS RAISED BY THE EAC

1. How did states prepare for HAVA's provisional voting requirements?
2. How did preparation and performance vary between states that had previously had some form of Provisional Ballot and those that did not?
3. How did litigation affect the implementation of Provisional Voting?
4. How effective was provisional voting in enfranchising qualified voters?
5. Did State and local processes provide for consistent counting of provisional ballots?
6. Did local election officials have a clear understanding of how to implement provisional voting?

### TO ANSWER THOSE QUESTIONS

- ☐ Surveyed 400 local election officials
- ☐ Reviewed the EAC's Election Day Survey
- ☐ Analyzed states' experience with provisional voting:
  - use of statewide registration database
  - treatment of out-of-precinct ballots
  - use of different approaches to voter ID
  - consistency
  - time period allowed for ballot evaluation
- ☐ Collected provisional voting statutes and regulations
- ☐ Analyzed litigation

024356

### **Variation among the states**

- ☐ In 2004 nationwide about 1.9 million provisional ballots cast, 1.2 million, or just over 63%, were counted.
- ☐ The percentage of provisional ballots in the total vote varied by a factor of 1,000 -- from a high of 7% in Alaska to Vermont's 0.006%.
- ☐ The portion of provisional ballots cast that were counted ranged from 96% in Alaska to 6% in Delaware.

### **Some sources of variation among states**

#### **Experience**

Share of provisional ballots in the total vote was 6 times greater in states that had used provisional ballots before than in states where the provisional ballot was new.

#### **Administrative Arrangements**

##### **Time to evaluate ballots**

- States that provided less than one week counted an average of 35.4% of their ballots.
- States that permitted more than 2 weeks counted 60.8%.

##### **Voter registration data bases**

- States with voter registration databases counted an average of 20% of the provisional ballots cast.
- States without databases counted 44%.

### **Variation within states**

**Rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state.**

**Resources available to administer provisional voting varied considerably among and within states.**

**The Election Day Study found that staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories.**

### **1. How did states prepare for HAVA's provisional voting requirements?**

**Most election officials received provisional voting instructions from state government. The type and amount of instruction received varied widely across the states.**

**Almost all provided training or written instruction to precinct-level poll workers on how to administer provisional ballots.**

**2. How did preparation and performance vary between states that had previously had some form of provisional ballot and those that did not?**

---

**18 states were new to provisional voting; 25 others had experience.**

**Local election officials in the "old" states felt more confident.**

**Provisional ballots in "old states": more than 2% of the total vote, 4 times the proportion in "new" states.**

**Counting provisional ballots in the final vote, the "old" states averaged 58% nearly double the average (33%) in "new" states.**

**Question 3: How did litigation affect the implementation of Provisional Voting?**

---

**Pre-election litigation clarified voters' rights to:**

- **Sue in federal court to remedy violations of HAVA**
- **Receive provisional ballots, even though they would not be counted**
- **Be directed to the correct precinct**
- **Most pre-election litigation occurred too late to influence how states implemented provisional voting.**

**4. How effective was provisional voting in enfranchising qualified voters?**

---

Provisional ballots enfranchised 1.2 million voters, or 1.01% of turnout, who otherwise would have been turned away.

The number of voters who could be helped by provisional voting may be about 2.5 – 3 million. Provisional voting might be about 50% effective.

There is room for improvement.

**Question 5: Did State and local processes provide for consistent counting of provisional ballots?**

---

Little consistency existed among and within states.

“New” states with registration databases counted 20% of the ballots cast. Those without databases counted more than double that rate (44%).

States that allowed out-of-precinct ballots counted 56% of the provisional ballots, 42% for in-precinct states.

States that provide a longer the time to evaluate provisional ballots counted a higher proportion of those ballots.

Less than 1 week:	58.6%
1 – 2 weeks:	65.0%
More than 2 weeks:	73.8%.



**Question 6: Did local election officials have a clear understanding of how to implement provisional voting?**

---

8 out of 10 county-level elections officials reported receiving instructions from their state government

4 out of 10 local election officials felt poll workers needed more training to understand their responsibilities

**Objectively, how well did the process appear to be managed?**

Lack of consistency among and within states indicates wide differences in understanding by election officials.

The number of states that have amended statutes on provisional voting to include poll worker training is a sign of dissatisfaction with the level of understanding in 2004.

**BEST PRACTICES**

### **The importance of clarity**

EAC should emphasize the importance of clarity in the rules by which each state governs provisional voting. Does the provisional ballot system:

1. Distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate?
2. Place administrative demands on local jurisdictions that are realistically related to the staff and other resources available?
3. Display variation within the state great enough to cause concern that the system may not be administered uniformly from county to county?

### **Lessons of litigation for achieving clarity**

Look to litigation from the 2004 election to shape new statutes or regulations that will increase the clarity of provisional voting procedures, increase predictability, and bolster confidence in the system.

1. Litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted.
2. Lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot.

**EAC should recommend to the states that they:**

- ☐ Promulgate clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards.
- ☐ Provide materials for local jurisdictions to train poll workers on such procedures as how to locate polling places for potential voters who show up at the wrong place.
- ☐ Make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office.

-- Provide poll workers the training they need to understand their duty to give those voters a provisional ballot.

**Assess each stage of the provisional voting process**

**Before the election**

- Clear information for voters on websites and in sample ballots.
- Training materials in every jurisdiction make poll workers familiar with the options available to voters.

**At the polling place**

- Design of provisional ballot
- Estimate supply of provisional ballots needed at polling places

**Evaluating provisional ballots**

- Define and adopt a reasonable period for voters who lack ID or other eligibility information bearing to provide it.
- A voter's provisional ballot should count so long as the voter cast that ballot at the correct polling site even if at the wrong precinct within that location.
- Follow written procedure or checklist to record why a provisional ballot is rejected.

## **Assess each stage of the provisional voting process**

### **Post-election**

Best practice is for states to consider how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available in presidential elections.

Provide timely information to voters about the disposition of their provisional ballot.

- Are they now registered for future elections?
- If not, what they need to do to become registered?

### **Conclusion**

This systematic analysis constitutes a quality improvement program for provisional voting, one that holds promise for every state.

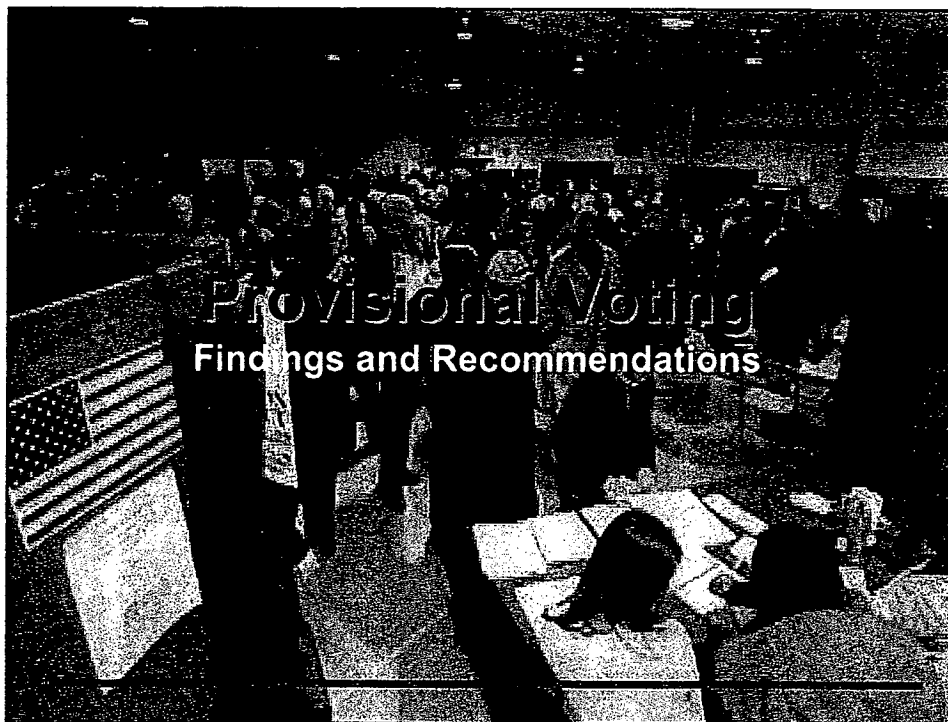
**U. S. Election Assistance Commission**

**May 2006**

024364

**Briefing for**

**May 23 , 2006**



024365



## **EAGLETON INSTITUTE OF POLITICS**

Rutgers, The State University of New Jersey

**MORITZ COLLEGE OF LAW** THE OHIO STATE UNIVERSITY

**Dr. Ruth B. Mandel, Director, Eagleton Institute of Politics**  
Board of Governors Professor of Politics  
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The Moritz College of Law  
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**Ingrid Reed, Director of the New Jersey Project**  
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**Daniel P. Tokaji, Assistant Professor of Law**  
The Moritz College of Law

**John Weingart, Associate Director**  
The Eagleton Institute of Politics

**Thomas M. O'Neill, Consultant**  
The Eagleton Institute of Politics  
Project Director

024386

### QUESTIONS RAISED BY THE EAC

1. How did states prepare for HAVA's provisional voting requirements?
2. How did preparation and performance vary between states that had previously had some form of Provisional Ballot and those that did not?
3. How did litigation affect the implementation of Provisional Voting?
4. How effective was provisional voting in enfranchising qualified voters?
5. Did State and local processes provide for consistent counting of provisional ballots?
6. Did local election officials have a clear understanding of how to implement provisional voting?

### TO ANSWER THOSE QUESTIONS

- ☐ Surveyed 400 local election officials
- ☐ Reviewed the EAC's Election Day Survey
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  - use of statewide registration database
  - treatment of out-of-precinct ballots
  - use of different approaches to voter ID
  - consistency
  - time period allowed for ballot evaluation
- ☐ Collected provisional voting statutes and regulations
- ☐ Analyzed litigation

### **Variation among the states**

- ☐ In 2004 nationwide about 1.9 million provisional ballots cast, 1.2 million, or just over 63%, were counted.
- ☐ The percentage of provisional ballots in the total vote varied by a factor of 1,000 -- from a high of 7% in Alaska to Vermont's 0.006%.
- ☐ The portion of provisional ballots cast that were counted ranged from 96% in Alaska to 6% in Delaware.

### **Some sources of variation among states**

#### **Experience**

Share of provisional ballots in the total vote was 6 times greater in states that had used provisional ballots before than in states where the provisional ballot was new.

#### **Administrative Arrangements**

##### **Time to evaluate ballots**

- States that provided less than one week counted an average of 35.4% of their ballots.
- States that permitted more than 2 weeks counted 60.8%.

##### **Voter registration data bases**

- States with voter registration databases counted an average of 20% of the provisional ballots cast.
- States without databases counted 44%.



### **Variation within states**

Rate of counting provisional ballots varied by as much as 90% to 100% among counties in the same state.

Resources available to administer provisional voting varied

--The Election Day Study found that staffing problems appeared to be particularly acute for jurisdictions in the lowest income and education categories.

--Small, rural jurisdictions and large, urban jurisdictions reported higher rates of an inadequate number of poll workers

--Jurisdictions in poor areas reported more inactive voter registrations and more provisional ballots cast.

--Richer areas had more poll workers per polling place and reported lower rates of staffing problems per precinct.

### **1. How did states prepare for HAVA's provisional voting requirements?**

**Most election officials received provisional voting instructions from state government. The type and amount of instruction received varied widely across the states.**

**Almost all provided training or written instruction to precinct-level poll workers on how to administer provisional ballots.**

**•Only about 1 in 10 made available to poll workers a voter registration database.**

**•Almost equally rare were training and written procedures for poll workers on the counting of provisional ballots.**

**2. How did preparation and performance vary between states that had previously had some form of provisional ballot and those that did not?**

---

Local election officials in the "old" states felt more confident.

18 states were new to provisional voting; 25 others had experience.

**"New" state officials felt:**

- Voters did not receive enough information about where to cast a provisional ballot in order to be counted.
- More funding was needed to educate voters about their rights to cast a provisional ballot.

Provisional ballots in "old states" : more than 2% of the total vote, 4 times the proportion in "new" states.

Counting provisional ballots in the final vote, the "old" states averaged 58% nearly double the average (33%) in "new" states.

**Question 3: How did litigation affect the implementation of Provisional Voting?**

---

**Pre-election litigation clarified voters' rights to:**

- Sue in federal court to remedy violations of HAVA
- Receive provisional ballots, even though they would not be counted
- Be directed to the correct precinct
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024370

**4. How effective was provisional voting in enfranchising qualified voters?**

---

Provisional ballots enfranchised 1.2 million voters, or 1.01% of turnout, who otherwise would have been turned away.

The number of voters who could be helped by provisional voting may be about 2.5 – 3 million. Provisional voting might be about 50% effective.

There is room for improvement.

Legislative activity gives evidence that states were not satisfied with the effectiveness of their provisional voting systems.

Those voting with provisional ballots in states with experience were enfranchised more frequently than those in the “new” states.

**Question 5: Did State and local processes provide for consistent counting of provisional ballots?**

---

Little consistency existed among and within states.

The use of provisional ballots was not distributed evenly across the country. A few states accounted for most of the ballots cast.

Share of provisional ballots in the total vote was six times greater in experienced states than in new states.

More rigorous the state's Voter ID requirements the smaller the percentage of provisional ballots that were counted.

“New” states with registration databases counted 20% of the ballots cast. Those without databases counted more than double that rate (44%).

024371

**Question 5: Did State and local processes provide for consistent counting of provisional ballots?**

**In-precinct versus out-of-precinct states had different outcomes.**

**States that allowed out-of-precinct ballots counted 56% of the provisional ballots.**

**States that recognized only ballots cast in the proper precinct counted an average of 42% of provisional ballots cast.**

**In "old" states, this difference was greater.**

**52% of ballots cast were counted in states requiring in-district ballots, 70% were counted in those allowing out-of-precinct ballots.**

**Question 5: Did State and local processes provide for consistent counting of provisional ballots?**

**States that provide a longer the time to evaluate provisional ballots counted a higher proportion of those ballots.**

14 states permitted less than 1 week :	35.4%
15 states permitted 1 – 2 weeks:	47.1%
14 states permitted more than 2 week:	60.8%

**Effect felt most strongly in states where more than 1% of the overall turnout was of provisional ballots.**

Less than 1 week:	58.6%
1 – 2 weeks:	65.0%
More than 2 weeks:	73.8%.

024372

**Question 5: Did State and local processes provide for consistent counting of provisional ballots?**

**Conclusions**

**States have latitude in how they meet HAVA requirements.**

**A considerable degree of variation among the states is to be expected.**

**If that variation stems from differences in political culture among the states, it is likely to persist. If it reflects a learning curve for "new" states, consistency may increase more quickly.**

**Question 6: Did local election officials have a clear understanding of how to implement provisional voting?**

**8 out of 10 county-level elections officials reported receiving instructions from their state government**

**4 out of 10 local election officials felt poll workers needed more training to understand their responsibilities**

**Objectively, how well did the process appear to be managed?**

**Lack of consistency among and within states indicates wide differences in understanding by election officials.**

**The number of states that have amended statutes on provisional voting to include poll worker training is a sign of dissatisfaction with the level of understanding in 2004.**

024373

# BEST PRACTICES

## The importance of clarity

EAC should emphasize the importance of clarity in the rules by which each state governs provisional voting. Does the provisional ballot system:

1. Distribute, collect, record, and tally provisional ballots with sufficient accuracy to be seen as procedurally legitimate by both supporters and opponents of the winning candidate?
2. Place administrative demands on local jurisdictions that are realistically related to the staff and other resources available?
3. Display variation within the state great enough to cause concern that the system may not be administered uniformly from county to county?

024374

### Lessons of litigation for achieving clarity

Look to litigation from the 2004 election to shape new statutes or regulations that will increase the clarity of provisional voting procedures, increase predictability, and bolster confidence in the system.

1. Litigation clarified the right of voters to receive provisional ballots, even though the election officials were certain they would not be counted.
2. Lawsuits prompted election officials to take better care in instructing precinct officials on how to notify voters about the need to go to the correct precinct in order to cast a countable ballot.

### EAC should recommend to the states that they:

- ☐ Promulgate clear standards for evaluating provisional ballots, and provide training for the officials who will apply those standards.
- ☐ Provide materials for local jurisdictions to train poll workers on such procedures as how to locate polling places for potential voters who show up at the wrong place.
- ☐ Make clear that the only permissible requirement to obtain a provisional ballot is an affirmation that the voter is registered in the jurisdiction and eligible to vote in an election for federal office.

-- Provide poll workers the training they need to understand their duty to give those voters a provisional ballot.

024375

### **EAC should recommend quality improvement**

Begin a systematic quality improvement program by collecting data on the provisional voting process. Data collected should include:

- ☒ Specific reasons why provisional ballots were not counted
- ☒ Measures of variance among jurisdiction
- ☐ Time required to evaluate ballots by jurisdiction
- ☐ Provisional votes cast and counted by jurisdiction

### **Assess each stage of the provisional voting process**

#### **Before the election**

- Clear information for voters on websites and in sample ballots.
- Training materials in every jurisdiction make poll workers familiar with the options available to voters.

#### **At the polling place**

- Design of provisional ballot
- Estimate supply of provisional ballots needed at polling places

#### **Evaluating provisional ballots**

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### **Assess each stage of the provisional voting process**

#### **Post-election**

Best practice is for states to consider how to complete all steps in the evaluation of ballots and challenges to those determinations within the five weeks available in presidential elections.

Provide timely information to voters about the disposition of their provisional ballot.

- Are they now registered for future elections?
- If not, what they need to do to become registered?

**U. S. Election Assistance Commission**

**May 2006**



"Tom O'Neill"

05/17/2006 08:53 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Presentations at the EAC Governing Boards

History:

This message has been replied to.

Karen, I'm afraid I don't have WordPerfect either. And Rutgers runs on MS Word as well. But I'll see what we can do..

Tom O'Neill

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Wednesday, May 17, 2006 5:17 PM

**To:**

**Cc:** aambrogio@eac.gov; asherrill@eac.gov

**Subject:** RE: Presentations at the EAC Governing Boards

I am told that a Wordperfect copy of the Provisional document will be fine.

EAC staff will convert it to a PDF file. Please sent the final drafts of the reports ASAP.

Also, you are correct to note the changes in the time allotments. Please divide the time among your staff as you deem appropriate.

K

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

"Tom O'Neill"

05/17/2006 04:57 PM

To klynndyson@eac.gov

cc tokaji.1@osu.edu, john.weingart@rutgers.edu, foley.33@osu.edu  
Subject RE: Presentations at the EAC Governing Boards

024378

Karen, I don't have the capacity to produce a PDF copy of the report. (I thought we discussed this last week and you agreed that the word document would suffice.) Someone at Eagleton could surely covert the DOC file to PDF, but since I just read your email now (4:50), we could not provide a PDF copy today. Please let me know if you want me to pursue this tomorrow.

Thanks for the schedule below. But it raises a question. Earlier this week you told me that the Commissioners asked that we limit our presentation to 10 minutes and leave the rest of the time for questions and comments. As I noted in my response, condensing our reports to 10 minutes poses a challenge. Is the 10 minute limit no longer operative?

Tom O'Neill

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Wednesday, May 17, 2006 12:30 PM

**To:** [REDACTED]

**Cc:** ashernill@eac.gov; aambrogi@eac.gov; jthompsonhodgkins@eac.gov

**Subject:** Re:Presentations at the EAC Governing Boards

Tom-

Look forward to getting a PDF copy of the final versions of the Voter ID paper and the Provisional Voting Paper by COB today

Here is the timing breakdown for next week's presentations:

EAC Standards Board ( 137 members)

Tuesday, May 23, 2006

2:30-4:00 PM

Hamilton Ballroom

Provisional Voting

45 minutes for presentation

45 minutes for questions and answers

Wednesday, May 24, 2006

1:40-2:45 PM

Hamilton Ballroom

Voter Identification

024379

40 minutes for presentation  
25 minutes for questions and answers

EAC Board of Advisors ( 36 members)

Wednesday, May 24, 2006

8:30-9:15 AM

Lafayette Park Ballroom

Provisional Voting

20 minutes for presentation

25 minutes questions and answers

Wednesday, May 24, 2006

11:00-11:55 PM

Lafayette Ballroom

Voter Identification

30 minutes presentation

25 minutes questions and answers

EAC General Counsel Julie Thompson- Hodgkins will facilitate/moderate all of your sessions

Will be in touch tomorrow after the Commissioners have met.

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024330



"Tom O'Neill"

05/11/2006 01:09 PM

To klynndyson@eac.gov

cc

bcc

Subject RE: Thank you and moving into the home stretch

History:

☞ This message has been replied to

Karen: You will have the Provisional Voting paper tomorrow. Tim will rework his paper and have a new version to me (using the dummy variable approach) on Monday. I will have a report that incorporates the new work (with our original approach described in an appendix) to you late Tuesday. Does that work with the Commission's schedule for review of the paper?

Tom O'Neill

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Thursday, May 11, 2006 12:58 PM

**To:** [REDACTED]

**Cc:** freed@rutgers.edu; john.weingart@rutgers.edu; Tim Vercellotti; tokaji.1@osu.edu

**Subject:** Re: Thank you and moving into the home stretch

Tom et.al-

Many, many thanks to you and the staff for your active participation and support in what I found to be an extremely helpful and productive hour.

Special thanks to Tim for his openness to new approaches and to all the hard work he is doing with running these numbers (ad infinitum).

The touch questions-

1. Realistically, when should I expect your final VOTER ID paper to present to the Commissioners?
2. Can I expect your final Provisional Voting Paper by tomorrow COB?

Thanks again for your fine efforts.

K

the \$ Commissioners

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024381



"Tom O'Neill"

05/10/2006 10:12 AM

To klynndyson@eac.gov

cc john.weingart@rutgers.edu, tokaji.1@osu.edu,  
foley.33@osu.edu, "Tim Vercellotti"  
<tim.vercellotti@rutgers.edu>

bcc

Subject RE: Travel arrangement for the EAC Board of Advisors and  
Standards Board meeting

History:

✉ This message has been replied to.

Karen,

As we discussed last week, the Eagleton-Moritz team making the presentations at the advisory board meetings will include others in addition to Ned and me. While Ned and I will handle the briefing on the provisional voting report, the team for the briefing on the Voter ID report will include Dan Tokaji and Tim Vercellotti.

Just to understand what Adventure Travel is to provide: will its services include hotel reservations and travel, or does it have a more limited mission?

Thanks,

Tom O'Neill

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Tuesday, May 09, 2006 4:34 PM

**To:** klynndyson@eac.gov

**Cc:** john.weingart@rutgers.edu; Tom O'Neill

**Subject:** Re:Travel arrangement for the EAC Board of Advisors and Standards Board meeting

Tom O' Neill and Ned Foley-

As you know you are scheduled to make two presentations to the EAC Board of Advisors and Standards Board on Tuesday May 23, 2006 from 2:30-4:00 PM (on Provisional Voting) and on Wednesday ,May 24th from 1:40-2:45 PM ( on Voter Identification)

If you have not already done so, please make your hotel and travel arrangements through Adventure Travel, Judy Mays 205-444-4833 ([REDACTED])

These reservations should be made no later than tomorrow COB.

Please indicate to Judy Mays that you are a contractor, who is scheduled to make a presentation at the meeting.

Thanks

Karen Lynn-Dyson

024382

Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123



"Tom O'Neill"

05/09/2006 10:19 AM

To klynndyson@eac.gov

cc

bcc

Subject RE: Voter ID Report and Appendices

Thanks, Karen. I received both your emails and also had a telephone conversation with Aletha Barrington to fill me in on the details.

Also participating in the conference call on Thursday will be 3 members of our Peer Review Group: Mike Alvarez, Martha Kropf, and Tim O'Rourke.

The Eagleton-Moritz team on the call will include: John Weingart, Dan Tokaji, Tim Vercellotti, Ingrid Reed, and me.

I'm assuming you will guide the conversation and keep us all on time and topic.

Thanks for the schedule with the details of the EAC's review of our work.

Tom O'Neill

-----Original Message-----

**From:** klynndyson@eac.gov [mailto:klynndyson@eac.gov]

**Sent:** Tuesday, May 09, 2006 10:05 AM

**To:** [REDACTED]

**Cc:** john.weingart@rutgers.edu; tokaji.1@osu.edu

**Subject:** Re: Voter ID Report and Appendices

Thanks, Tom.

Assume you just got the e-mail I sent to the EAC review team that included the paper, the analysis and the call-in information

Thursday at 11:30

1-866-222-9044

Passcode 62209#

A few items on timelines and materials for May 23-24 meetings:

The Commissioners will review the final Eagleton Voter ID and Provisional Voting reports at their Tuesday, May 16 meeting. At this meeting they will decide how they wish to present these reports to the EAC Board of Advisors and Standards Boards.

Your materials that will be distributed to the EAC Board of Advisors and Standards Boards must be finalized and ready for our Xeroxing process by Thursday, May 18. I will be in touch along the way to provide input/guidance on what these materials should be, based on the Commissioner's review and decisions

024384



Regards-

K

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024385



"Adam Berinsky"  
<berinsky@MIT.EDU>  
05/03/2006 04:05 PM

To klynndyson@eac.gov  
cc  
bcc

Subject Re: Review of EAC research on Voter Identification

History:

✉ This message has been replied to

hello:

I just got your message by phone:

It would be best to send it to my home address:

61 Clay Street  
Cambridge, MA 02140

Also, in your original phone message you said that there would be an honorarium associated with the review process, but this e-mail states that there will be no compensation for the review. I of course did not expect to be compensated at my market rate for consulting jobs (which is \$225 an hour) but I was led to believe that I would be compensated in some manner for my time.

best

adam berinsky

At 05:36 PM 5/1/2006, you wrote:

Dr. Berinsky-

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

024386

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While we are unable to offer financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

Sincerely,

Karen Lynn-Dyson  
Research Director  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

Adam J. Berinsky  
Associate Professor  
Department of Political Science  
Massachusetts Institute of Technology  
77 Massachusetts Avenue  
Cambridge, MA 02139 E53-459  
Tel: (617) 253-8190  
Fax: (617) 258-6164  
E-mail: [berinsky@mit.edu](mailto:berinsky@mit.edu)  
Web Page: <http://web.mit.edu/berinsky/www/>

024387

Thomas R. Wilkey/EAC/GOV  
05/01/2006 03:00 PM

To Karen Lynn-Dyson/EAC/GOV@EAC, Juliet E.  
Thompson-Hodgkins/EAC/GOV  
cc  
bcc

Subject Re: E-mail to Voter ID peer reviewers

History:  This message has been replied to

Did we resolve the contact issues on this?

-----  
Sent from my BlackBerry Wireless Handheld  
Karen Lynn-Dyson

**From:** Karen Lynn-Dyson  
**Sent:** 05/01/2006 02:58 PM  
**To:** Thomas Wilkey; Juliet Thompson-Hodgkins  
**Subject:** E-mail to Voter ID peer reviewers

Tom and Julie-

Please take a look at this draft e-mail and let me know if it captures all that it needs to.

Would like to get this out ASAP- appreciate your feedback..

Dear Jonathan Nagler  
Dear Jan Leighley  
Dear Adam Berinsky

On behalf of the U.S. Election Assistance Commission (EAC), thank you in advance for agreeing to assist us with the review of research conducted by the Eagleton Institute of Politics on voter identification. By **Friday, May 5, 2006**, you will receive, in electronic form, the research paper and relevant data analysis which supports the paper's findings. Through this independent review by a small group of experts familiar with elections data and research we are seeking feedback on:

- The research methodology which was used to support the paper's conclusions
- The specific statistical applications which were used to analyze the data and arrive at various conclusions

If there are alternate methodological and statistical approaches to analyzing the data on voter identification, and if there is other data on voter identification that you think should have been included in the analysis, please be certain to note this in your comments.

On **May 11, 2006** EAC will conduct a 60-90 minute phone call with key Eagleton Institute staff responsible for the research, members of Eagleton's peer review group and the EAC-identified reviewers who have been asked to consider the research. Through this dialogue EAC hopes to

024388

gather varying perspectives and insights on the research strategies and methods that were employed by Eagleton. As a result of this conversation, EAC anticipates that some revisions will be made to the Eagleton research paper. This paper is scheduled to be presented to EAC's Board of Advisors and Standards Boards in late May.

While EAC agency policy does not allow us to provide you with financial compensation for your review of this research we greatly appreciate your willingness to assist us with this important task. We believe that the research findings we will provide on voter identification are important and will most certainly be enhanced by your insights and expertise.

Sincerely,

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV  
04/28/2006 01:23 PM

To: Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject: Re: Voter ID Paper --Final Draft

History:

✉ This message has been replied to.

How much of an honorarium and how fast do we get their review.

-----  
Sent from my BlackBerry Wireless Handheld  
Karen Lynn-Dyson

**From:** Karen Lynn-Dyson  
**Sent:** 04/28/2006 01:13 PM  
**To:** Thomas Wilkey  
**Subject:** Re: Voter ID Paper --Final Draft

Tom-

You'll recall that we discussed the fact that the peer review group who Eagleton has assembled do not have the sufficient technical expertise to give us the expert/technical advice we need on the statistical analysis of the Voter ID piece. Only two persons on Eagleton's peer review group have a requisite research and statistical background and knowledge.

You may also remember that Mike told me that he thought that the paper needed an additional set of eyes and review by academics with a background and expertise in election statistics and analysis. When I initially proposed a review panel of six you said that was too many; we agreed that I would find three persons to do the review and that we would pay them a small honoraria for doing the review.

K

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024390

Thomas R. Wilkey/EAC/GOV  
04/28/2006 02:07 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Voter ID Paper --Final Draft

History: This message has been replied to.

Sorry I could have told her what a pain her Mother is.  
You are right..that will tell us if the data is totatly unreliable

-----  
Sent from my BlackBerry Wireless Handheld  
Karen Lynn-Dyson

**From:** Karen Lynn-Dyson  
**Sent:** 04/28/2006 02:00 PM  
**To:** Thomas Wilkey  
**Subject:** Re: Voter ID Paper --Final Draft

If we get that many varying opinions from such experts, probably says this work is too controversial to take to a level of serious public review and discussion. That would be a good thing to know, and would save us the embarrassment, I think.

Get some rest. You missed my daughter yesterday- I wanted her to meet my boss.

K  
Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024391

Thomas R. Wilkey/EAC/GOV  
04/28/2006 12:50 PM

To: Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc  
Subject: Re: Voter ID Paper --Final Draft

History:  This message has been replied to and forwarded.

Karen,  
Was this part of the contract. I thought there was a peer review group in place,

-----  
Sent from my BlackBerry Wireless Handheld  
Karen Lynn-Dyson

**From:** Karen Lynn-Dyson  
**Sent:** 04/28/2006 12:44 PM  
**To:** Tom O'Neill" [REDACTED]  
**Cc:** arapp@rci.rutgers.edu; davander@eden.rutgers.edu;  
dlinky@rci.rutgers.edu; foley.33@osu.edu; ireed@rutgers.edu; 'Johanna  
Dobrich'" <jdobrich@eden.rutgers.edu>; joharris@eden.rutgers.edu;  
john.weingart@rutgers.edu; lauracw@columbus.rr.com; rmandel@rci.rutgers.edu;  
Tim Vercellotti" <tim.vercellotti@rutgers.edu>; tokaji.1@osu.edu  
**Subject:** Re: Voter ID Paper --Final Draft

Tim, Tom, John, et.al--

The EAC has identified three academics who are going to serve as peer reviewers of the Eagleton Voter ID paper and research.

They are Jonathan Nagler of New York University, Jan Leighley, University of Arizona, and Adam Berinsky of MIT.

They are ready to review the documents as soon as they are available.

I would like to them one week to review the material and then have a joint conference call on Thursday, May 11, in which we would all have an opportunity to discuss the research methodology and statistical analysis, along with general comments and suggestions.

If you are able to get to me the paper and the supporting data analysis, I will distribute to the documents ASAP.

Also let me know, if you would, your availability on May 11 to do this conference all.

I anticipate that it will last approximately 90 minutes.

Regards-

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024392





"Adam Berinsky"  
<berinsky@MIT.EDU>

04/28/2006 09:57 AM

To klynndyson@eac.gov

cc

bcc

Subject your call

History:

✉ This message has been replied to.

Hello: I just got your message (I'm on leave this year and not in the office much). I would be interested in doing the review, depending on the date of the conference call. As long as it is not on a Tuesday, I could do it.

best

adam berinsky

Adam J. Berinsky  
Associate Professor  
Department of Political Science  
Massachusetts Institute of Technology  
77 Massachusetts Avenue  
Cambridge, MA 02139 E53-459  
Tel: (617) 253-8190  
Fax: (617) 258-6164  
E-mail: berinsky@mit.edu  
Web Page: <http://web.mit.edu/berinsky/www/>

024393

Thomas R. Wilkey/EAC/GOV  
04/27/2006 03:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
bcc

Subject Re: Schedule for completion of Prov. Voting and Voter ID research

I think we need to get their final documents to the Commissioners prior to review by both the Boards. You see the politics here and everyone wants to make sure their comments were taken care of before they go to these two boards...as to the June public meeting Julie, you and I need to discuss. Let's chat tomorrow sometime when I get a spare minute.  
Thanks

-----  
Sent from my BlackBerry Wireless Handheld  
Karen Lynn-Dyson

**From:** Karen Lynn-Dyson  
**Sent:** 04/27/2006 09:10 AM  
**To:** Juliet Thompson-Hodgkins  
**Cc:** Thomas Wilkey  
**Subject:** Re: Schedule for completion of Prov. Voting and Voter ID research

I think that a number of months ago we envisioned the Eagleton project culminating with a presentation of both of the papers at a public meeting. We had tentatively scheduled that presentation for the June public meeting. Also, we must provide for a review of these studies to EAC's Standards Board and Board of Advisors.

Clearly, plans have changed although we need to figure out how we have Eagleton present its final papers on Provisional Voting (already planned) and Voter Identification (still in process) to the EAC Standards and Advisory Boards.

Look forward to your suggestions on how best to proceed with wrapping up these two efforts.

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024394



"Mike Alvarez"  
<rma@hss.caltech.edu>  
04/07/2006 12:54 AM

To klynndyson@eac.gov  
cc  
bcc

Subject Re:

History:

✉ This message has been replied to

Glad to help. I don't want to step on toes, but I'd recommend that you think about some sort of single-blind peer review, of the sort that is employed by many research journals and other organizations (like the NSF or National Academies of Science). I think that if you offer them a modest honoraria (perhaps \$100) I think you'll find that the folks on that list would be likely to provide quick and thorough feedback to you.

Again, let me know if there is more that I can do to help.

I'm also willing to do a review for you myself. The issue is that I feel somewhat conflicted, given that I'm on their "peer review" panel. But on the other hand that does mean that I'm very well aware of the background of this project. I'd leave it up to you as to whether you think that a review from me would be appropriate or not.

Mike

On Thu, 6 Apr 2006 klynndyson@eac.gov wrote:

> Mike- Nice to finally meet you in person, as well. Indeed ,as discussed,  
> I am likely to confer with your peers on a number of matters related to  
> research methodology and statistical analyses,  
>  
> Thanks again for providing these names.  
>  
>  
> K  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123  
>  
>  
>  
> "Mike Alvarez" <rma@hss.caltech.edu>  
> 04/05/2006 07:39 PM  
>  
> To  
> klynndyson@eac.gov  
> cc  
>  
> Subject

024395

>  
>  
>  
>  
>  
>  
>  
>  
> Hi -- nice to meet you in person, finally!  
>  
> And thanks for inviting me to your gathering, I enjoyed  
> it and hope I was helpful. Of course, any time you want  
> anything, you do know where to track me down.  
>  
> As to the potential reviewers of the Eagleton Voter ID  
> study, here are my suggestions, in order:  
> Jonathan Nagler, New York University  
> Jan Leighley, University of Arizona  
> Ben Highton, UC-Davis  
> Adam Berinsky, MIT  
> Bernard Grofman, UC-Irvine  
>  
> All have worked with the CPS turnout/registration data, and  
> are very familiar with this research literature.  
>  
> If these don't work, or you want more recommendations, let me know.  
>  
>

--

\*\*\*\*\*

R. Michael Alvarez (O)  
626-395-4089  
Professor of Political Science (F)  
626-405-9841  
Caltech/MIT Voting Technology Project  
California Institute of Technology  
Pasadena, CA 91125  
rma@hss.caltech.edu

Contributor to Election Updates,  
<http://electionupdates.caltech.edu/blog.html>

\*\*\*\*\*



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EAGLETON INSTITUTE OF POLITICS

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*Contract to Provide Research Assistance to The EAC  
For the Development of Voluntary Guidance on  
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT  
JULY 2005**

**For**  
**UNITED STATES ELECTION ASSISTANCE COMMISSION**  
1225 New York Avenue N.W., Suite - 1100  
Washington, DC 20005

August 15, 2005

**Prepared by:**  
Eagleton Institute of Politics  
Rutgers, The State University of New Jersey  
191 Ryders Lane  
New Brunswick, NJ 08901-8557

024397

## OUTLINE

- Introduction
- Provisional Voting
  - Task 3.4
- Voter Identification Requirements
  - Task 3.10
  - Task 3.11
- Project Management
  - Task 3.1
- Financial Report

## INTRODUCTION

This report describes our progress from July 1 through July 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The effort this month continued to focus on research for the analysis and alternatives paper, including the compilation of Provisional Voting statutes, regulations, and litigation from the 50 states. We also prepared and delivered testimony at the EAC's regular monthly meeting in Pasadena on July 28.

The data collection, analysis, and compilation are all on schedule. Because of delays in agreeing on the composition of the Peer Review Group with EAC, however, the actual completion and submission of the analysis and alternatives paper to the EAC will most likely be delayed about a week beyond the target date in the work plan. We are scheduled to discuss the draft paper and guidance document prior to submission, with the EAC on September 6, and the final draft cannot be completed until several days after that date.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at: tom\_oneill@verizon.net or (908) 794-1030.

## PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. Task 3.4 was completed this month.

**Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.**

### LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. This information constitutes the compendium of legislation, administrative regulations, and case law called for under this task. It also will provide a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

**Description:** The Moritz team has created a 50-state chart to summarize information on provisional voting, compiled statutes, case law and administrative procedures regarding Provisional Voting.

**Progress:** The 50-state (plus District of Columbia) chart created to collect data on provisional voting is complete. We have collected the statutes for all states. State by state summaries of provisional voting have been written for 47 states and D.C. A memorandum summarizing provisional voting litigation is complete. The collection of the documents associated with the litigation is nearing completion.

**Challenges:** The variety in the form of provisional voting legislation from state to state makes creating a snap-shot view across states a challenge.

**Work Plan:** The remaining 3 state summaries of provisional voting will be completed by August 8. Analysis of all the information, data, and survey results concerning provisional voting data will be performed in August.

### PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team has researched and compiled a narrative of each state's experience with provisional voting in 2004. At the end of July the survey of 400 local election officials was nearing its end, and – as of this writing – is now complete with an analysis and report in draft form. We will rely on the survey results to improve our understanding of actual practice in administering provisional voting, including the steps local officials took to prepare for the election.

## **PROVISIONAL VOTING NARRATIVES**

**Description:** To construct the narratives, a researcher examined newspaper accounts, state websites, and reports from third-party organizations to gather information on the experience with provisional voting in the 2004 election. To organize the information derived from this examination, we created an information system that catalogues information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combined it with Moritz's collection and analysis of statutes, regulations and litigation.

**Progress:** The state-by-state database is complete, as is a first draft of all state narratives. This work has been shared with the larger team and is being reviewed currently in preparation for constructing analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

**Work Plan:** In the next month, revisions of the narratives will be complete. In addition to this research, we will expand upon vote fraud research and examine further the relationship between instances of vote fraud and ensuing election reforms.

## **SURVEY OF COUNTY ELECTION OFFICIALS**

**Description:** The Center for Public Interest Polling (CPIP) at Eagleton conducted a national survey of county election officials to measure several aspects of provisional voting. The survey was designed to determine the following factors related to provisional voting at the county (or equivalent election jurisdiction) level:

- The content and quality of instructions provided to county officials by the states;
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting.

**Progress:** The fielding and initial analysis of the survey results are complete.

**Work Plan:** The information derived from the survey will be considered in drafting the analysis and alternatives document required under Task 3.5.



## VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have completed tasks 3.10 and 3.11. The research on Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

### Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

**Description:** The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

**Progress:** The chart created to collect data on voter identification is complete and is now being reviewed. Voter identification statutes are being collected.

**Challenges:** Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

**Work Plan:** Review of the voter identification chart, the collection of the voter identification statutes, and the writing of the state by state summaries will be completed by the end of August.

### SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of voter ID requirements. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern with more rigorous identification requirements for all voters. We are following these developments both to monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern

with increasing the rigor of voter ID requirements. The next key milestones will be the completion of the state database and drafting the first narratives.

### **VOTER ID AND TURNOUT ANALYSIS**

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

**Description:** We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election.

**Progress:** The collection of data for the Voter ID-Turnout analysis is complete. The assembled database contains population demographic data, voter registration data and voter turnout data from all 50 states, 3113 Counties, and the District of Columbia. It also contains exit poll data from the 50 states, providing demographic data of voter turnout. The analysis of that data is well underway.

**Challenges:** The initial methodology that was devised to investigate the questions involved in this part of the study proved insufficient, as the necessary data was unobtainable (the Census Bureau has not yet released their 2004 data). After re-developing an appropriate methodology, the necessary data has been assembled, we have resumed the analysis of this data.

**Projection:** The analysis of the impact that voter identification requirements have upon voter turnout should be completed around mid-August.

### **Task 3.11 Public meeting on Voter Identification Requirements**

**Description:** In early July, we continued our efforts to identify specific Voter ID topics or issues and panelists who could shed light on them. We recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we recommended that one panel include specific legislators on opposite sides of the issue from two different states, Mississippi and Wisconsin. We also discussed adding a researcher to the panel in order to place the debate in a national or historical context. We also recommended a panel of two academic researchers with contrasting points of view, to address the effects of Voter ID provisions under HAVA. In response to our suggestions, EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA.

By mid-July, the EAC had decided which topics and speakers should be invited, however most of those speakers proved unable to attend.

**Progress:** Tom O'Neill and Dan Tokaji attended the EAC Public Meeting held in Pasadena on July 28. Their presentations at the meeting described the progress of the research and our developing perspective on how to assess the quality of the provisional voting process in the states and identify possible steps for improvement.

**Challenges:** The changes in the scheduling of the July meeting delayed and ultimately made it impossible to assemble a panel, from which we could derive substantive insight into voter identification issues as they are playing out in the states. Additionally, due to the date of the hearing, the information from the hearing was not available as early in the research process as contemplated in the contract.

**Projection:** Preparation of the hearing summary will likely be delayed, due to the team's focus on preparation of the analysis and alternatives paper.

## **PROJECT MANAGEMENT**

### **PEER REVIEW GROUP**

**Description:** A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

**Progress:** Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded that as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations might be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to the EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We provided an analysis of the cost and time involved in adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. In the end, the EAC determined that Eagleton should appoint a balanced Peer Review Group of its own choosing. Initial phone calls were made to all members of that group by the end of July, and written invitations and descriptions of the process have gone to all possible members who had indicated their interest in serving.

**Challenges:** Communications on this issue with the EAC were not clear or timely. The purpose of the PRG is to review our work, and to comment on our research design, which is well underway. We had planned to have the PRG in place early enough in the project to enable them to provide feedback, including the research design. While we are

confident in the quality of our work, the experience and perspective of the Peer Review Group will strengthen our analysis and recommendations as we find a way to receive its critique in the more limited time now available. The delay in creating the Peer Review Group will result in a delay in the completion of the final draft of the analysis and alternatives paper and in the preliminary guidance document.

**Projections:** The work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

### **COORDINATION AND INFORMATION MANAGEMENT**

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

### **INFORMATION SYSTEM**

**Description:** The statutory data and reports prepared by the Moritz College of Law will be merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

**Progress:** The Moritz team has provided Eagleton staff with all completed work. An Eagleton staff member reviews the content and formats of data from all supporting research and will (re-)format once the work has been completed for the compendium and reports submitted to the EAC. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

**Projections:** By the end of July 2005, much of the above referenced research has been completed. The entire project team has begun the process of reviewing all work, and will combine and format all documents and materials in preparation for our final reporting to the EAC.

### **INTRANET**

**Description:** All project team members have signed on to the Intranet site. The Intranet facilitates the exchange of information and collaboration among project participants.

**Progress:** Project team members regularly post drafts, completed materials and spreadsheets online for internal review. The intranet has been extremely helpful to team members and serves as an internal website with announcements and important documents readily available to all team members.

## FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project inception through June 30, 2005, is attached.

Karen Lynn-Dyson/EAC/GOV

08/15/2005 04:57 PM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC

cc

bcc

Subject Fw: Eagleton Institute of Politics - July 2005 - Monthly Progress Report

Hey-

When you get a chance- please confirm with the Eagleton team, the date and time they are coming to meet with EAC staff (Tom, Julie, Karen, Adam, others?) in early Sept.

Thanks

K

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 08/14/2005 04:55 PM -----



"Lauren Vincelli"  
<Vincelli@rutgers.edu>

08/15/2005 03:01 PM

Please respond to  
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill" [REDACTED]  
rmandel@rci.rutgers.edu, john.weingart@rutgers.edu

Subject Eagleton Institute of Politics - July 2005 - Monthly Progress Report

Ms. Dyson,

Attached please find the July 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please contact Tom O'Neill at: [REDACTED]

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,  
Lauren Vincelli

Lauren Vincelli

024406

Business Assistant, Eagleton Center for Public Interest Polling  
Eagleton Institute of Politics, Rutgers University  
Carriage House, 185 Ryders Lane  
New Brunswick, NJ 08901  
Phone: (732) 932-9384, ext. 237  
Fax: (732) 932-1551



ProgressReport\_JULY2005\_EagletonInst.pdf

Karen Lynn-Dyson/EAC/GOV  
08/19/2005 03:41 PM

To "Tom O'Neill" [REDACTED]  
cc  
bcc Paul DeGregorio/EAC/GOV@EAC; Thomas R.  
Wilkey/EAC/GOV@EAC; Raymundo  
Martinez/EAC/GOV@EAC; Gracia Hillman/EAC/GOV@EAC;  
Amie J. Sherrill/EAC/GOV@EAC; Adam  
Ambrogi/EAC/GOV@EAC; Nicole  
Mortellito/CONTRACTOR/EAC/GOV@EAC  
Subject Re: Peer Review Group [REDACTED]

Tom-

Thank you for sharing this list of your Peer Review Group members, to-date. I will share this list with the Commissioners and will be certain to let your know of their feedback, if any.

I will also be back in touch regarding Eagleton's research around voter fraud and the research project EAC will be undertaking, this fall, around voting fraud and voter intimidation. The EAC is presently in the process of finalizing a work and staff plan for this project and once it is completed, I will be certain to brief you on it.

In the meantime, EAC staff and several of the Commissioners looks forward to meeting with the Eagleton/Moritz team on September 6 at 1:30 PM.

Regards-

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"

08/19/2005 02:20 PM

To klynndyson@eac.gov  
cc  
Subject Peer Review Group

Karen,

Attached is a report on the status of recruitment of members of the Peer Review Group. We extended 9 invitations. We have four confirmed members, one reluctant turn-down, one who has yet to respond to an initial inquiry, and are awaiting confirmation from 3 others who initially agreed. Please let me know if you need additional information.

Tom O'Neill

024408





RecruitmentStatus.doc

**STATUS OF PEER REVIEW GROUP RECRUITMENT**

(As of August 17, 2005)

<b>R. Michael Alvarez, Ph.D.</b> Professor of Political Science California Institute of Technology	YES/CONFIRMED
<b>Guy-Uriel Charles</b> Associate Professor, School of Law University of Minnesota [REDACTED]	YES
<b>Brad Clark</b> Professor of Law George Washington University School of Law	NO
<b>Pamela Susan Karlan</b> Montgomery Professor of Public Interest Law Stanford Law School [REDACTED]	YES
<b>Martha E. Kropf, Ph.D.</b> Assistant Professor of Political Science University of Missouri-Kansas City 816-235-5948; KropfM@umkc.edu	YES/CONFIRMED
<b>Daniel H. Lowenstein</b> Professor of Law UCLA [REDACTED]	YES
<b>John F. Manning</b> Professor Harvard Law School	NO RESPONSE
<b>Tim Storey</b> Program Principal Legislative Management Program National Conference of State Legislatures	YES/CONFIRMED
<b>Peter G. Verniero, Esq.</b> Counsel Sills, Cummis, Epstein and Gross, PC (Former NJ Attorney General and Supreme Court Justice)	YES/CONFIRMED

024410

Deliberative Process  
Privilege

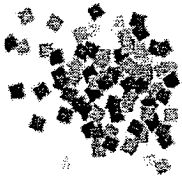
Karen Lynn-Dyson/EAC/GOV  
09/14/2005 02:16 PM

To Amie J. Sherrill/EAC/GOV@EAC  
cc  
bcc  
Subject Re: Item for tomorrow- Eagleton's request for 4C's input on  
Alternative Next Steps

Eagleton Institute request for input from the Commissioners on Alternative Next Steps.

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

Amie J. Sherrill/EAC/GOV



Amie J. Sherrill/EAC/GOV  
09/14/2005 02:14 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc  
Subject Re: Item for tomorrow- Eagleton's request for 4C's input on  
Alternative Next Steps

Will do. What topic do you want me to use on the agenda?

Amie J. Sherrill  
Special Assistant to Vice Chairman Paul S. DeGregorio  
U.S. Election Assistance Commission  
1225 New York NW - Suite 1100  
Washington, DC 20005  
(202) 566 3106  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV  
09/14/2005 02:12 PM

To Thomas R. Wilkey/EAC/GOV@EAC  
cc Amie J. Sherrill/EAC/GOV@EAC  
Subject Re: Item for tomorrow- Eagleton's request for 4C's input on  
Alternative Next Steps

So, Aimee, guess you should put copies in the 4C's packets.

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024412

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV  
09/14/2005 02:02 PM

To Karen Lynn-Dyson/EAC/GOV@EAC  
cc Amie J. Sherrill/EAC/GOV@EAC  
Subject Re: Item for tomorrow- Eagleton's request for 4C's input on  
Alternative Next Steps

Yes

Thomas R. Wilkey  
Executive Director  
US Election Assistance Commission  
1225 New York Ave, NW - Suite 1100  
Washington, DC 20005  
(202) 566-3109 phone  
TWilkey@eac.gov  
Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV

09/14/2005 12:53 PM

To Amie J. Sherrill/EAC/GOV@EAC, Thomas R.  
Wilkey/EAC/GOV@EAC  
cc  
Subject Item for tomorrow- Eagleton's request for 4C's input on  
Alternative Next Steps

Tom-

Do you want this as an agenda item?

Aimee-

Will leave a copy of the document on top of your desk.

K

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024413

Karen Lynn-Dyson/EAC/GOV

To Gavin S. Gilmour/EAC/GOV@EAC

09/22/2005 01:21 PM

cc

bcc

Subject Fw: SOW for voting fraud consultants

Gavin-

This should give you an idea of what the consultants will be doing for the EAC.

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 09/21/2005 01:19 PM -----

Carol A. Paquette/EAC/GOV

09/21/2005 07:45 PM

To klynndyson@eac.gov@EAC

cc

Subject SOW for voting fraud consultants

Karen -

Did some tightening up on language in this SOW. Let me know if you have any changes you want to make ASAP so this can go in for contract processing tomorrow. Thanks!



Wang consulting contract.doc

Carol A. Paquette  
U.S. Election Assistance Commission  
(202)566-3125 cpaquette@eac.gov

024414

## **EAC CONTRACT #05-66 Consulting Services to Assist EAC in the Development of a Voting Fraud and Voter Intimidation Project**

### **Background**

Section 241 of HAVA lists a number of election administration topics on which the U.S. Election Assistance Commission may elect to do research. In particular, Section 241(b) (6) and (7) state the two topics of nationwide statistics and methods of identifying, deterring and investigating voting fraud in election for Federal offices; and identifying, deterring and investigating methods of voter intimidation. The EAC Board of Advisors has recommended that the EAC make research on these topics a high priority.

Due to the unavailability of internal staff, EAC needs to obtain consulting services to conduct a preliminary examination of these topics to determine if a larger research project might be warranted. If so, the consultant would also be tasked to define the scope of the project and prepare a Statement of Work for the EAC to use for a subsequent competitive procurement. To promote a balanced and non-partisan approach to this effort, EAC is contracting with two consultants, who will work jointly to perform the work described below and produce the required deliverables.

### **Tasks**

1. Develop a comprehensive description of what constitutes voting fraud and voter intimidation in the context of Federal elections. Submit this description to the EAC for review and approval.
2. Using the description developed in Task 1, perform background research, including both Federal and State administrative and case law review, and a summation of current activities of key government agencies, civic and advocacy organizations regarding these topics. Deliver a written summary of this research and all source documentation.
3. In consultation with EAC, identify a working group of key individuals and representatives of organizations knowledgeable about the topics of voting fraud and voter intimidation. Provide the Working Group with the results of Tasks 1 and 2 as background information. Develop a discussion agenda and convene the Working Group with the objective of identifying promising avenues for future research by EAC.
4. Prepare a report summarizing the findings of this preliminary research effort and Working Group deliberations. This report should include any recommendations for future research resulting from this effort.

5. Should the EAC decide to pursue one or more of the Task 4 recommendations, Consultant shall define appropriate project scope(s) and prepare Statement(s) of Work sufficient to issue for competitive procurement.

### **Special Considerations**

Work for Hire. The services performed under the terms of this agreement are considered “work for hire,” and any intellectual property or deliverables, including but not limited to research, policies, procedures, manuals, and other works submitted; or which are specified to be delivered; or which are developed or produced and paid for by EAC, shall be owned exclusively by EAC, including copyright. EAC or its assignees have the exclusive right to reproduce all work products from this agreement without further payment to the Contractor.

Acceptance of Work Product. The EAC Project Manager for this effort is Karen Lynn-Dyson, EAC Research Manager, who will review and approve all work.

### **Period of Performance and Compensation**

The period of performance for this contract is six months, with a fixed price ceiling of \$50,000 for labor. The Consultant is expected to work at least 450 hours during this period. The EAC suggests that these hours be distributed evenly over the period so that the Consultant is working approximately 20 hours per week. The period of performance and level of effort can be revised in writing by mutual agreement of the EAC and the consultant, if required.

The Consultant is required to travel to the EAC Washington, D.C. offices on a periodic, as needed basis, throughout the duration of the contract. The Consultant will be reimbursed, at the Federal government rates, for hotel and ground transportation costs, other approved incidental expenses, and per diem costs while working on-site at the EAC offices. A total of \$5,000 has been allocated for reimbursement for travel and other allowable expenses.

### **Invoicing**

Invoices may be submitted monthly in equal payments for labor. Expenses claimed for reimbursement shall be itemized with appropriate receipts provided. Invoices shall be delivered to Ms. Diana Scott, Administrative Officer, U.S. Election Assistance Commission, 1225 New York Avenue, N.W., Suite 1100, Washington DC 20005.

### **Contract Termination**

This contract can be terminated in advance of the current end date by two weeks’ notice in writing by either of the parties.

**Deliverables and Timetable**

Deliverable	Due Date
Project work plan	10 days after contract award
Progress reports	monthly
Description of voting fraud and voter intimidation	October 2005
Summary of background research and associated source documentation	January 2006
Convene working group	February 2006
Summary report describing findings and recommendations for future EAC research	March 2006
Statement(s) of Work for future research project(s)	TBD



Karen Lynn-Dyson/EAC/GOV

To Raymundo Martinez/EAC/GOV@EAC

-2

09/23/2005 05:20 PM

cc Adam Ambrogi/EAC/GOV@EAC

bcc

Subject Reminder: To review the Eagleton draft guidance so that you  
can lead Monday's Commissioner discussion

Have a great weekend!

K  
Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue , NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024416

Karen Lynn-Dyson/EAC/GOV  
09/27/2005 03:40 PM

To Vincelli@rutgers.edu, Juliet E. Thompson/EAC/GOV@EAC,  
Adam Ambrogi/EAC/GOV@EAC, Raymundo  
Martinez/EAC/GOV@EAC, Thomas R.  
cc arapp@rutgers.edu, davander@eden.rutgers.edu,  
dlinky@rci.rutgers.edu, foley.33@osu.edu,  
ireed@rutgers.edu [REDACTED]  
bcc  
Subject Re: EAC Conference Call - Friday 9/30

Eagleton/Moritz team-

I'd like to propose a conference call with EAC Commissioner Martinez, General Counsel, Julie Thompson, Research Manager Karen Lynn-Dyson and your team for either 10:30 or 1:30 on Friday, September 30.

This will be to discuss the draft guidance and final report you will be producing for the EAC.

Please let me know which time works for you

Regards  
Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

024419

Karen Lynn-Dyson/EAC/GOV  
09/27/2005 04:49 PM

To john.weingart@rutgers.edu  
cc aambrogi@eac.gov, arapp@rutgers.edu,  
davander@eden.rutgers.edu, dlinky@rci.rutgers.edu,  
foley.33@osu.edu, ireed@rutgers.edu, [REDACTED]  
bcc  
Subject Re: EAC Conference Call - Friday 9/30 [REDACTED]

Excellent-

Friday at 1:30 it is.

Please do let the EAC staff know what number to call. Ray Martinez and Tom Wilkey may be calling from the road. Julie Thompson and I will be here.

Thanks, again

Karen Lynn-Dyson  
Research Manager  
U.S. Election Assistance Commission  
1225 New York Avenue, NW Suite 1100  
Washington, DC 20005  
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"  
<john.weingart@rutgers.edu>  
09/27/2005 03:56 PM  
Please respond to  
john.weingart@rutgers.edu

To klynndyson@eac.gov  
cc Vincelli@rutgers.edu, jthompson@eac.gov,  
aambrogi@eac.gov, rmartinez@eac.gov, twilkey@eac.gov,  
arapp@rutgers.edu, davander@eden.rutgers.edu,  
dlinky@rci.rutgers.edu, foley.33@osu.edu,  
ireed@rutgers.edu, [REDACTED],  
joharris@eden.rutgers.edu, [REDACTED],  
rmandel@rci.rutgers.edu, sampson.8@osu.edu,  
tokaji.1@osu.edu, "Tom O'Neill" [REDACTED] t>,  
vincelli@rci.rutgers.edu, williams.285@osu.edu  
Subject Re: EAC Conference Call - Friday 9/30

Karen - Let's do it on Friday at 1:30. From my initial polling, at least Tom O'Neill, Ingrid Reed and I will be available. Since we will not all be at the same location, would you like us to initiate a conference call from here and give you a number to call in to?

-- John Weingart, Associate Director  
Eagleton Institute of Politics  
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

024420

>  
> Eagleton/Moritz team-  
>  
> I'd leek to propose a conference call with EAC Commissioner Martinez,  
> General Counsel ,Julie Thompson, Research Manager Karen Lynn-Dyson and  
> your team for either \*10:30 or 1:30 on Friday, September 30\*.  
>  
> This will be to discuss the draft guidance and final report you will  
> be producing for the EAC.  
>  
> Please let me know which time works for you  
>  
> Regards  
> Karen Lynn-Dyson  
> Research Manager  
> U.S. Election Assistance Commission  
> 1225 New York Avenue , NW Suite 1100  
> Washington, DC 20005  
> tel:202-566-3123

024421